

GAHC010009572026



2026:GAU-AS:3117

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/641/2026

MD. SEHNOWAZ AMIN
S/O-IMDAD ALI VILLAGE- CHAMATA PO-PASCHIM CHAMATA,DIST-
NALBARI, ASSAM- 781306.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SPECIAL SECRETARY TO
THE GOVERNMENT OF ASSAM, PUBLIC WORKS (ROADS) DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS)
CHANDMARI GUWAHATI
ASSAM- 781003

3:THE EXECUTIVE ENGINEER
PWRD
NALBARI DISTRICT TERRITORIAL ROAD DIVISION
NALBARI
ASSAM- 78133

Advocate for the Petitioner : MD S HOQUE, MR. M DEKA

Advocate for the Respondent : SC, PWD ROAD,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

27.02.2026

Heard Mr. S. Hoque, learned counsel for the petitioner and Mr. B. Gogoi, learned Standing Counsel, Public Works Department for all the respondents.

2. The petitioner has stated that in response to a Notice Inviting Tender [Re-Bid] dated 10.09.2025, issued by the Office of the respondent no. 2, inviting bids for five nos. of packages, the petitioner submitted his bid for the contract work, 'Construction of road from [1] Nalbari Polla Road to Sahpur-Kharjara road via Bhatta suburi [2] Bagals road to Doukuchi Bharalitola via Doukuchi Baishya Suburi [3] Sani Road Fuluguri PWD Road to Palla Road via malopara Suburi [4] Bharbhagjari Gaon Jaruajan [Harihar Than] to Kaithalkuchi railway station via Uttarbechimari under Mukhya Mantrir Paki Path Nirman Achan [MMPPNA] under RIDF-XXXI of NABARD for the year 2025-2026' ['the Contract-Work', for short] in Tihu LAC, District – Nalbari. After opening of the technical bids, the respondent authorities published a Technical Qualification Summary Sheet on 26.11.2025. Three bidders including the petitioner, have been declared technically qualified for opening of financial bids. As no information has been received by the petitioner regarding opening of the financial bids and declaration of the successful bidder subsequently, the petitioner is before this Court by the present writ petition.

3. On 09.02.2026 when the writ petition was moved, Mr. Gogoi, learned Standing Counsel, PWD was asked to obtain instructions as regards the status of the bidding process for the Contract-Work under reference.

4. Today, Mr. Gogoi, learned Standing Counsel, PWD has submitted, on instruction, that the bidding process initiated by the NIT [Re-Bid] dated 10.09.2025 is yet to be brought to its logical conclusion. He has submitted that after opening of the financial bids of the technically responsive bidders, the bids should be evaluated and thereafter, the successful bidder would be declared and notified.

5. It is a settled proposition that a tender submitted in response to a notice inviting tender, is no more than making an offer which the State or its agencies are under no

obligation to accept. The bidders participating in the tender process cannot, therefore, insist that their tenders should be accepted simply because a given tender is the highest or lowest depending upon whether the contract is for sale of public property or for execution of works on behalf of the Government. All that participating bidders are entitled to is a fair, equal and non-discriminatory treatment in the matter of evaluation of their tenders. It is also fairly well-settled that award of a contract is essentially a commercial transaction which must be determined on the basis of consideration that are relevant to such commercial decision. The Government and its agencies have to act reasonably and fairly at all points of time. To that extent, the tenderer has an enforceable right in the Court who is competent to examine whether the aggrieved party has been treated unfairly or discriminated against to the detriment of public interest.

6. As the tender process initiated by the NIT dated 10.09.2025 is yet to be brought to its logical conclusion, this Court is of the considered view that the present writ proceeding is not to be continued parallelly. Therefore, this writ petition is closed with an expectation that the respondent authorities will bring the bidding process to its logical conclusion within a reasonable period of time.

7. If after closure of the bidding process, the petitioner finds himself to be aggrieved by any action on the part of the respondent authorities, the petitioner would be at liberty to avail appropriate remedy as permissible under the law.

JUDGE

Comparing Assistant